dr Barnes E-5 (1946-1949) 1954 FRS Ngoni FRS
Mpezeni

lord's dependants placed under a lieutenant's care became more specifically his dependants and eventually he appointed one or more of the men among them to be his own lieutenants. Thus it was possible for Z to be the lieutenant of Y and at the same time for Y to be the lieutenant of X. When Y died, his son became X's lieutenant or, if Y had no son, Z might succeed him as X's lieutenant. 631 621 624

A lord with but few dependants sometimes appointed one or more of them as his lieutenants without specifically dividing his dependants among them. Thus, a lieutenant might be appointed without the formation of a segment for him, and only later would he differentiate from the rest of his lord's dependants those for whom he was directly responsible.

The ranking of lieutenants was one of the least stable parts of the residential system. In a village under a lord there were lieutenants in charge of segments forming divisions within the village. As their segments grew in size, the lieutenants broke out of the village to found new satellite villages. A new set of lieutenants was gradually appointed to take their places in charge of the people remaining in the headquarters, and in the course of time the new set also broke away from the headquarters village.[61] Though they had moved out from the village the lieutenants still retained their positions as lieutenants within the primal segment of which it was the headquarters. Thus in a large segment containing many villages there was a long ranked roster of lieutenants, of which only the junior members still lived in the segment headquarters. Further proliferation of lieutenants sometimes took place when an heir succeeded as lord of the segment but did not found a new segment of his own. The new lord appointed his own lieutenants, so that within the same segment, and partly within the same settlement, there were two sets of lieutenants, one senior by time of appointment, the other enjoying the favour of the present head of the segment. When in these circumstances one of the senior set died, his eldest son sometimes had difficulty in asserting his position as lieutenant; and in this way the senior set, or part of it, lost control of the segment to the more recently appointed men.

It was in keeping with the expanding social boundaries of the State, and of the high degree of mobility within it, that there was no formally constituted council. Some contemporary accounts mention a tribal council, but it seems clear that until very recently, when the Administration tried to institute a council with defined membership, there has never been a legislative or executive body [648] 631 646

[61] cf. my 'Fort Jameson Ngoni', pp. 197f.

I:Barnes E-5 (1946-1949)1954 FRS Ngoni FRS
Mpezeni

to which some men definitely belonged and others definitely did not. When matters of national importance needed decision, they were discussed at a meeting attended by at least all the lieutenants of the various bevies of the Paramount Chief, and all the spokesmen mentioned in accounts of meetings with Europeans during the later period and who can now be identified belong to this category. It seems possible that the heads of other major segments also took part in these discussions, and that other men listened to them even if they did not take part.

The role played in tribal affairs by brothers and junior sons of the Paramount Chief is not clear. The Paramount Chief did not himself actively intervene in many domestic matters until they were specifically referred to him by his lieutenants, and it seems possible that within their own segments other members of the royal house behaved in the same manner. At least nowadays some aristocratic headmen, not necessarily members of the royal family, behave in this aloof way. The head of the segment, like the head of the village, represents its common interest, its unity, and cannot intervene on his own initiative in the affairs of his people. He lies beyond the reach of their quarrels and disputes, and has to be brought into or informed of them in his judicial capacity by his lieutenants. Wiese says that previously members of the royal house were the real governors and judges in their segments, but that by 1891 in three cases out of four effective power had passed to their lieutenants and that they were merely 'show chiefs'.[88] This observation appears to confirm the thesis that with increased segmentation effective control passed from the head of the primal segment to the heads of the inferior segments within it, leaving the head of the primal segment as ceremonial head; but we do not know what evidence if any Wiese had about earlier conditions. It seems probable that before Wiese's time, as well as during it, the heads of large segments ruled through, as well as with the approval of, their lieutenants. So strongly does this principle still apply to the office of Paramount Chief that when recently a brawl began at a beer party attended by the Chief, he at once ran away, lest in the mêlée he might be forced to take direct action.[89]

Thus we see that in the Ngoni residential system, although segments were enduring social groups and the pattern of relationships once laid down could not be altered in formal terms, yet in fact there was a continual movement in the disposition of political

[88] Wiese, 'Expedição', p. 470.

[89] Gluckman reports similar conditions among the Lozi, where there is a maxim, 'The chief is not a policeman'. See his 'Lozi of North-Western Rhodesia'.

CONTINUED
ON
NEXT FICHE

1:Barnes E-5 (1946-1949)1954 FR5 Ngoni FR5
Mpezeni

rule as a Native Authority Order.[36] Thus the chiefs preferred to appear as legislators enforcing their own laws rather than as the judicial agents of the Administration.

Besides the Administration, other groups external to the indigenous system endeavour to influence the action of the courts. Thus missions work through chiefs to try to prevent the granting of divorces in the courts, traders endeavour to get their disputes with Africans heard in Native Courts rather than in those of the Administration, and farmers request courts to hear promptly cases which concern their employees.

Occasionally the Ngoni chiefs meet together with their people and formally make a new law. This appears to have happened about once in each decade. Yet in the courts new decisions are constantly being taken since the circumstances in which disputes arise are continually altering. The way in which these decisions are imposed throws light on the position of the court within the county, for many of these new decisions, precedents as we would call them, are introduced under the guise of a revival of some good but lately neglected tribal custom. There is no recorded corpus of Native law and custom which the Native Courts are empowered to enforce and, therefore, to say that a new decision is merely a revival of an established usage satisfies the requirements of the Administration, provided the usage is not 'repugnant to natural justice and morality'. On the other hand, it enables the court members to legislate without referring the matter to a meeting of the whole tribe or county, at which anyone would be free to speak his mind. Thus the group of persons who are in power in the court further entrench their position.[37]

9. *Moral and physical sanctions*

The counties and the tribe persist as social groups despite the ease with which their members may move away to other surroundings. The Native Authority remains in power, and its courts are full of litigants, despite the unequal distribution of privileges and rewards. In a general sense the system works because there are moral as well as physical sanctions behind the rulings of the court. There is general agreement about the rights and wrongs of the actions with which the courts have to deal, and it is this that in the end usually makes a man pay damages and fines that have been awarded against him rather than the threat of the Administration's force behind the court. The decisions of the courts are subject to

[36] *African Affairs, report*, 1948, p. 47.
[37] For a further analysis of this legislative process, see my paper, 'History'.

1:Barnes E-5 (1946-1949) 1954 FR5 Ngoni FR5
Mpezeni

for a few heaps of stones hidden among the trees on the tops of hills. People visit back and forth freely, except for the control imposed at the customs barrier on the one lorry road. Many people grow vegetables in Nyasaland, where there is more land, and sell them in Northern Rhodesia, where there is a better market.

While this territorial proximity gives rise to a multitude of ties linking individuals across the border, it does not lead to new political relations between the counties with a common boundary. Such political relations as do persist are survivals from the old order. Although the formal structure of the Native Court system, as determined by the Nyasaland and Northern Rhodesia Administrations, does not permit it, cases sometimes come on appeal from the Nyasaland counties to Mpezeni. There is official visiting between chiefs across the border, and when the Paramount Chief is short of food he may ask the Nyasaland chiefs to send him a few baskets of maize. But despite the nearness of the Nyasaland chiefs to Mpezeni in spatial terms, their political interests lie mainly in the opposite direction. They are the only two Ngoni chiefs in that district of Nyasaland and most of the chiefs whom they meet are Cewa. Their Administration is separate from that in Northern Rhodesia, their laws are different, and they look towards Zomba rather than Lusaka as the seat of Administrative power. We have noted how Mpezeni I contemplated moving into Nyasaland in 1897. As late as 1922, when the Native Reserve scheme was under discussion, Mpezeni II made some preliminary soundings on moving across the border, but already by 1946 such projects were overshadowed by the prospects of federation for the two countries of Northern Rhodesia and Nyasaland.

The people of the two Nyasaland counties are subject to the same general influences as are their Northern Rhodesia neighbours in such matters as increasing dependence on an exchange economy and the development of a cognatic or omni-directional kinship system in which links can be traced through spouses as well as through fathers or mothers. Yet even in economic activity there are significant differences. In Nyasaland, Africans grow tobacco for sale, while the Ngoni in Northern Rhodesia are not able to do so; recruiting for the Rand gold-mines is allowed in Nyasaland and prohibited in most of Northern Rhodesia, including the Fort Jameson area.

The annual meetings of the African Provincial Council of the Eastern Province are attended by representatives from each tribe in the province, two people from Fort Jameson township, the Provincial Commissioner and sometimes a representative of the

1:Barnes E-5 (1946-1949)1954 FR5 Ngoni FR5
Mpezeni

646 Secretariat or the Legislative Council. The agenda consists of
648 items suggested by the African members and by the Administration.
The African members of the Council elect four of their number as
[666] their nominees to the African Representative Council of Northern
Rhodesia, which in its turn advises the Governor on the appoint-
ment of the African members of Legislative Council. As yet, the
Provincial Council meetings attract little attention among the bulk
of the African population, and few Ngoni know who their members
are. Nevertheless among the chiefs and councillors these meetings,
if regarded with suspicion, are of some interest, and for the two
delegates they provide an opportunity for stressing in public what
they regard as the Ngoni point of view as contrasted with those of
other tribes. Many of the Ngoni speeches are phrased in anachro-
[537] nistic terms, and represent more an affirmation of how different
[186] the Ngoni are or used to be rather than a realization of how similar
their interests now are to those of their neighbours. However, it is
possible as the Council acquires more power and the consequences
of its deliberations begin to affect more people directly, Ngoni will
take a greater interest in its proceedings.[28] The same comments
apply to Ngoni participation on the Provincial Team, an advisory
body with representatives from the Administration, the unofficial
White community, Indians and Africans.

Ngoniland is almost completely surrounded by Cewa chief-
648 doms. The old no-man's-land which isolated the Ngoni from their
neighbours in pre-conquest times has long ago disappeared. On
the fringes of Ngoni country there is a great deal of contact between
Ngoni villages and their Cewa neighbours and the links of kinship
stretch across tribal boundaries without interruption. Within
563 Ngoniland itself, under the control of county chiefs, are some
648 villages which still speak the Cewa language rather than the Nsenga
dialect used by most Ngoni. Most of these Cewa-speaking villages
[167] have come into Ngoniland after 1898. Their numbers are indicated
in Table VII (p. 133) where it will be seen that on the average
about one village in five has entered in this way. The great majority
of these are Cewa in origin. Some of them claim that they have
returned to ancestral sites, others state that they came as a result of
land alienation or of some quarrel with their former chief. Others
have been formed by non-Ngoni immigrants who have worked for
many years in the township or on the farms and built up their own
followings. In Northern Rhodesia villages of this kind form an
integral part of Ngoni society. The cultural features which distin-

[28] cf. Barnes, 'History', for a discussion of the way in which Ngoni members act at council meetings.

10: Barnes E-5 (1946-1949) 1959
FR5 Ngoni FR5
Mpezeni

could be raided for their crops, as well as for captives, and when the rivers did not form such an obstacle to rapid movement as they did during the wet season. Some of the early reports of travellers suggest that there was some sort of alliance or working arrangement between the Ngoni and Mwasi Kasungu, whose territory acted as a buffer-state between Mpezeni's Ngoni and Mombera's Ngoni of Nyasaland[1] but this alliance does not seem to have been very stable.

The British Administration restored or created Cewa chieftainships that now completely encircle the Ngoni except where the Ngoni area reaches to the edge of the waterless and uninhabited Luangwa escarpment. The Administration did not recognize any right of the Ngoni over these Cewa areas, and it is now difficult to discover how much control was in fact exercised by the Ngoni over the Cewa at that time. The Ngoni certainly continued to hold that they were entitled to control the Cewa. In 1913, when the formation of reserves was being discussed with the Administration, the Ngoni chiefs are said to have been disappointed that the scheme would give the Cewa land of their own and later in the same year they tried to ensure that the Cewa to their south, who were to be granted a reserve separate from those of the Ngoni, should be formally placed under the control of Mpezeni.

At the present time the principal institution in which Ngoni co-operate with other tribes under the aegis of the Administration is the Eastern Province African Provincial Council. This body meets once a year for three days, and is attended by delegates from all the Superior Native Authorities in the Eastern Province, as well as by representatives of the Administration. It discusses matters of common interest and it elects two members to represent the Eastern Province on the African Representative Council of the whole Territory, but it does not have any legislative or executive powers. Its meetings are open to the public,[2] but as yet few people attend and the recommendations reached are passed on to only a small section of the tribe. The delegates to the Council are chosen by the Paramount Chief on the advice of his lieutenants.

There are also other political relationships that unite Ngoni with other tribes. Some of them arise from common residence in an area outside the Ngoni country. Representatives are stationed at the

[1] Money and Smith, *Explorations in the Country West of Lake Nyasa*, p. 152.

[2] Except on the first day, when the African members of the Council meet by themselves in Committee.